

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
AT BALTIMORE

IN RE:

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LA MESA RACING, LLC,

\*

CASE No.: 07-17069-NVA

DEBTOR.

\*

(CHAPTER 11)

\* \* \* \* \*

REQUEST OF RICHARD KLUNCK FOR CONTINUANCE  
OF JULY 19, 2010 HEARING ONLY AS TO WILLIAM L. SISKIND'S AMENDED OBJECTION  
TO CLAIM OF CASINO DEL CARIBE, S.A. AND TO TRANSFEREE'S CLAIM  
IN THE AMOUNT OF \$584,576.36 [DOCKET NO. 286]

Richard Klunck, a creditor of debtor La Mesa Racing, LLC, by his attorneys, hereby requests the continuance of the scheduled July 19, 2010 hearing on the *Amended Objection to Claim of Casino del Caribe, S.A. and to Transferee's (Richard Klunck) Claim in the Amount of \$584,576.36 [Docket No. 286]* (the "Amended Objection") filed by William L. Siskind, and for cause states:

1. On April 9, 2010, Mr. Siskind purportedly filed an *Objection to Claim of Casino del Caribe, S.A. and to Transferee's (Richard Klunck) Claim in the Amount of \$584,576.36 [Docket No. 279]* (the "Original Objection"), in which he objected to a proof of claim filed by Mr. Klunck on March 31, 2010 and docketed in the Court's claims register as Claim Number 8. The Original Objection was not docketed until June 17, 2010.

2. On June 22, 2010, the Court issued a *Deficiency Notice* [Docket No. 280] to Mr. Siskind, advising him that the Original Objection was deficient and would be stricken from the record unless Mr. Siskind filed a corrective pleading containing a 30-

day notice and a certificate of service on all entities affected by the pleading. According to the docket entry for the *Deficiency Notice*, Mr. Siskind had to file his corrective pleading by July 6, 2010.

3. Mr. Siskind filed his Amended Objection on July 7, 2010. On that same day, the Court notified the affected parties that a hearing on the Amended Objection was scheduled for July 19, 2010, beginning at 10:00 a.m.

4. Mr. Klunck requests the continuance of the July 19 hearing as to the Amended Objection only because the Amended Objection is not yet ripe for the Court's consideration. Federal Rule of Bankruptcy Procedure 3007 and Local Bankruptcy Rule 3007-1 permit a claimant affected by an objection to its proof of claim to file and serve a memorandum in opposition to the objection within 30 days after the date on the certificate of service of the objection. Under Local Bankruptcy Rule 3007-1, the deadline for Mr. Klunck or any other party to file a memorandum in opposition to the Amended Objection is August 6, 2010, several weeks after the scheduled July 19 hearing on the Amended Objection. The brief time period between the filing of the Amended Objection and the hearing thereon also does not afford Mr. Klunck or any other party an opportunity to conduct discovery relating to the Amended Objection.

5. Moreover, if the July 19 hearing on the Amended Objection goes forward, a witness must fly to Baltimore from the Dominican Republic to attend the hearing on short notice.

6. No party will be prejudiced by the requested continuance. A hearing on the Amended Objection may be scheduled at a later date as the Court's docket allows.

WHEREFORE, Richard Klunck respectfully requests that this Honorable Court enter an Order:

- A. Continuing the scheduled July 19, 2010 hearing on William L. Siskind's *Amended Objection to Claim of Casino del Caribe, S.A. and to Transferee's (Richard Klunck) Claim in the Amount of \$584,576.36* [Docket No. 286] only until such date that permits Mr. Klunck or any other party to file a memorandum in opposition to the pleading and conduct discovery relating to the pleading; and
- B. Grant such other and further relief as is just.

Respectfully submitted,

/s/ Jeremy S. Friedberg

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*Attorneys for Richard Klunck*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 13<sup>th</sup> day of July, 2010, a copy of the foregoing, along with proposed order, was served *via* first-class mail, postage prepaid, and, if the recipients are properly registered, *via* the Court's CM/ECF system, on:

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/s/ Jeremy S. Friedberg  
Jeremy S. Friedberg